

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS QUITO 001267

SIPDIS

CDR USSOUTHCOM MIAMI FL IMMEDIATE  
HOMELAND SECURITY CENTER WASHDC IMMEDIATE

STATE FOR WHA/PPC, WHA/AND, AND G/TIP

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [EC](#)

SUBJECT: CONGRESS PASSES TIP LEGISLATION

1. Summary: On June 1, Congress passed a law criminalizing trafficking in persons (TIP) with 6 to 35-year prison terms. The legislation also penalizes companies and individuals who promote sexual tourism and child sex tourism with 6 to 12 years. The bill is expected to go to President Alfredo Palacio on June 6 for approval. The passage of this long-pending legislation will, when fully implemented, provide authorities new tools to combat TIP. We will work with authorities to use the new law to develop cases against traffickers. End Summary.

Penalty for TIP is 6 to 16 Years

2. Congress passed legislation on June 1 to explicitly criminalize TIP, in accordance with its international commitments. According to press reports, Congress approved the following penalties:

- 6 to 9 years for TIP when sexual exploitation is not involved
- 9 to 12 years if the TIP victim is under 18 years of age
- 12 to 16 years when TIP involves a victim under 14, a victim who suffers a severe or permanent bodily injury or irreversible psychological damage, or a trafficker who is a legal or common-law spouse or blood relative up to the fourth degree
- \$20,000 fine for the legal representative of a communication medium that promoted sex crimes or TIP

Related Crimes Also Sanctioned

3. The law also defines sex tourism and child pornography as crimes. These new protections could benefit TIP victims. According to press reports, the law provides for:

- 6 to 9 years and fines of \$10,000 to \$15,000 for organizers or promoters of sexual tourism
- Up to 12 years and a \$20,000 fine if a victim of sex tourism is under 18
- Companies involved in sex tourism will have their licenses revoked, and individuals' businesses will be closed.
- 4 to 8 years for people who force a handicapped person or someone less than 18 years old to have sexual contact
- 6 to 9 years for persons who produce, publish, or advertise child pornography in which the victim is between the ages of 14 and 18
- 12 to 16 years if a victim of child pornography is less than 14 years or is disabled
- 25 to 35 years for crimes of sexual exploitation of minors

Next Steps

4. President of Congress Wilfrido Lucero is expected to send the law to President Palacio on June 6. He is expected to approve or suggest changes to the text (through a partial veto) within two weeks. We have requested a copy of the law and once received, will fax it to WHA/PPC.

5. Comment: Passing an anti-trafficking law represents a significant step forward and is particularly notable coming in Ecuador's exceedingly unstable political environment. After analyzing the text, we hope to encourage the GOE to implement it fully, by building cases against traffickers using the new provisions. Full implementation will also require training law enforcement and judicial officials. Coming just two days before the USG issues the TIP report, we are prepared to acknowledge Congress' overdue action, call on the GOE for rapid implementation of the law, and defend Ecuador's Tier III rating.  
Kenney